

reduced benefits. Why would we want to put people at risk of losing their jobs? A small business owner in my State told me that 8 percent of his income goes to pay for health insurance for his employees. If this amount is increased, he will be forced to reduce the size of his staff. Why would we want to hurt small businesses at a time like this?

We all remember President Obama's campaign promise that he would not raise taxes on families earning less than \$250,000 a year. The Joint Committee on Taxation conducted an analysis that shows that in 2019—when the bill is in full effect—on average individuals making over \$50,000 and families making over \$75,000 would have seen their taxes go up under this legislation. In other words, 42 million individuals and families earning less than \$250,000 would pay higher taxes.

Arguably millions more middle-class families and individuals could be hit with a tax increase from the health care industry "fees" or taxes proposed. According to testimony of the Congressional Budget Office before the Senate Finance Committee, these fees would be passed through to health care consumers and would increase health insurance premiums and prices for health care-related products. If the President signs this legislation in its current form, he would break his pledge not to raise taxes on people making less than \$250,000 a year.

My distinguished friend from Idaho, Senator CRAPO, offered an amendment in the Senate Finance Committee markup providing that "no tax, fee or penalty imposed by this legislation shall be applied to any individual earning less than \$200,000 per year or any couple earning less than \$250,000 per year." The amendment was rejected.

Small businesses in my State do not support this legislation. With unemployment at a 26-year high and small business owners struggling to simply keep their doors open, this kind of reform is not what we need to encourage small businesses to thrive. Small businesses need reform that will lower insurance costs. They need a bill that will decrease the overall cost of doing business. If a bill increases the cost of doing business or fails to reduce costs, then the bill fails to meet its intended goal of reigning in health care costs.

I would submit that the bill fails to lower national health expenditures; it fails to lower the amount of money the federal government spends on health care; and it does not bend the cost curve of rapidly increasing national health care costs. If we were running a large company, this would be an unsuccessful business proposal.

In Mississippi, we could insure a majority of the uninsured if we enrolled all eligible children in the State Children's Health Insurance Program: If more small businesses offered health insurance, and if people who could afford health insurance purchased health insurance, this would be reform.

Mr. President, I would like to see our Nation's health system reformed, but these reforms cannot be on the backs of individuals and businesses that we need to succeed. Reform should not add to the already high costs of doing business.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I will just take 1 minute on this, and then I think we will probably be ready to vote.

Again, I think there are two contrasting amendments here. The Senator from Montana has indicated that my motion, which would simply ask the Finance Committee to make this bill comply with the President's pledge, would somehow kill the bill—that is not at all true—and, secondly, that it would stop the tax relief in the bill that the Senator from Montana has identified, the refundable tax credits. The bottom line is, my amendment does not even address the refundable tax credits. They remain in the bill.

All my amendment does is say: Let's have the President's pledge to the American people honored in this legislation. Let's take out the taxes that 73 million American households will pay under this legislation—hundreds of billions of dollars of new taxes.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Madam President, essentially, the Crapo motion to commit the underlying bill, the pending bill, is to the Finance Committee to take out all the tax cuts. That is what it is, so I oppose it.

I urge Senators to vote for my amendment, which is a sense of the Senate that the Senate should reject such procedural motions, basically, because we want to keep the tax cuts that are in this bill.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Indiana (Mr. LUGAR).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—97

Akaka	Begich	Boxer
Alexander	Bennet	Brown
Barrasso	Bennett	Brownback
Baucus	Bingaman	Bunning
Bayh	Bond	Burr

Burr	Hatch	Nelson (FL)
Cantwell	Hutchison	Pryor
Cardin	Inhofe	Reed
Carper	Inouye	Reid
Casey	Isakson	Risch
Chambliss	Johanns	Roberts
Coburn	Johnson	Rockefeller
Cochran	Kaufman	Sanders
Collins	Kerry	Schumer
Conrad	Kirk	Sessions
Corker	Klobuchar	Shaheen
Cornyn	Kohl	Shelby
Crapo	Kyl	Snowe
DeMint	Landrieu	Specter
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Tester
Durbin	LeMieux	Thune
Ensign	Levin	Udall (CO)
Enzi	Lieberman	Udall (NM)
Feingold	Lincoln	Vitter
Feinstein	McCa	Voinovich
Franken	McCaskill	Warner
Gillibrand	McConnell	Webb
Graham	Menendez	Whitehouse
Grassley	Merkley	Wicker
Gregg	Mikulski	Wyden
Hagan	Murkowski	
Harkin	Murray	

NAYS—1

Nelson (NE)

NOT VOTING—2

Byrd

Lugar

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 1.

Under the previous order, requiring 60 votes for the adoption of the amendment, amendment No. 3183 is agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

MOTION TO COMMIT

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the Crapo motion to commit.

Mr. CRAPO. Madam President, this is a very simple vote we are going to have. This is a vote that will correct the bill to comply with the President's promise not to tax anyone who makes under \$200,000 as an individual or \$250,000 as a family.

I think the vote we just had was a unanimous vote for it. It said not to take tax relief out of the bill. We have had plenty of debate about tax relief—whether it is in the bill or not in the bill. This motion says let's fix the bill and take out the hundreds of billions of dollars of taxes that will fall squarely on the middle class.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the Crapo motion to commit is an attempt to kill health care reform. If it succeeds, we will keep 31 million Americans from getting health care coverage. If it succeeds, it will keep Americans from getting the tax cuts in the bill. If the motion succeeds, over the next 10 years, Americans will get \$441 billion less in tax credits to buy health insurance.

I urge that we not vote in favor of the Crapo motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?